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DANIEL MAXIE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE,
Plaintiff,

vs.

HORIZON LINES, LLC, and MATSON
NAVIGATION COMPANY,
Defendants.

AND THIRD-PARTY CROSS-
COMPLAINT

CASE NO. 04-02255 MMC

**STIPULATION AND
[PROPOSED] ORDER
CONTINUING PRETRIAL AND
TRIAL DATES**

The parties, plaintiff DANIEL MAXIE, and defendants HORIZON LINES, LLC (“HORIZON”) and MATSON NAVIGATION COMPANY (“MATSON”), and Third-Party Defendant U.S. SHIP MANAGEMENT, INC.’s (“USSM”), jointly submit this Stipulation and [Proposed] Order Continuing the pretrial and trial dates as follows.

Plaintiff DANIEL MAXIE has alleged that he suffered a back injury on or about March 3, 2003, while serving on defendant HORIZON’s vessel the EXPEDITION, and has alleged an aggravation of that injury while employed by defendant MATSON aboard the SS MAUI on January 7, 2004. HORIZON alleges

1 in its Third-Party Complaint under F.R.C.P. Rule 14(c) that after he worked on the
 2 EXPEDITION and before he joined the MAUI, he was injured while working on
 3 the SEALAND ENDURANCE, which was operated by USSM.

4 Due to Plaintiff's need for continuing and additional medical care and the
 5 fact that he is not-fit-for-duty or permanent and stationary, the parties believe that
 6 they will not be able to complete all non-expert and expert discovery in
 7 accordance with the present deadlines. Accordingly, the parties stipulate and
 8 respectfully request that the following pretrial and trial dates be continued for
 9 approximately 120 days to new dates as follows:

10	Non-expert discovery cutoff (Present Date: August 31, 2005)	February 28, 2006
11	Last Day for filing dispositive motions (Present Date: September 2, 2005)	March 3, 2006
12	Expert disclosure & reports (Present Date: Non-medical: September 16, 2005 Medical: September 30, 2005)	Non-medical: March 17, 2006 Medical: March 31, 2006
13	Expert discovery cutoff (Present Date: October 28, 2005)	April 14, 2006
14	Settlement Conference: (Private Mediation or settlement conference before Chief Magistrate Judge Larson to be completed by September 2, 2005)	March 7, 2006
15	Pretrial Conference (Present Date: November 15, 2005 at 3:00 p.m.)	April 25, 2006 at 3:00 p.m.
16	Trial Date (Present Date: November 28, 2005)	May 15, 2006

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1 IT IS SO STIPULATED.

2 Dated: October 6, 2005 BANNING MICKLOW BULL & LOPEZ, LLP
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4
5 By: /S/ Edward M. Bull
6 EDWARD M. BULL, III
7 JENNIFER L. FIORE
Attorneys for Plaintiff
DANIEL MAXIE

8 Dated: October 6, 2005 GIBSON, ROBB & LINDH LLP
9

10
11 By: /S/ Peter Lindh
12 PETER LINDH
13 JENNIFER T. SANCHEZ
Attorneys for Defendant
MATSON NAVIGATION COMPANY

14 Dated: October 6, 2005 LAW OFFICES OF HARVEY I. WITTENBERG
15

16
17 By: /S/ Harvey I. Wittenberg
18 HARVEY I. WITTENBERG
19 Attorney for Defendant
HORIZON LINES, LLC

20 Dated: October 6, 2005 FLYNN DELICH & WISE, LLP
21

22 By: /S/ James B. Nebel
23 JAMES B. NEBEL
24 Attorneys for Third-Party Complaint
U.S. SHIP MANAGEMENT, INC.

25
26 **CERTIFICATE OF SIGNATURE(S)**

27 I attest that the content of the document is acceptable to all persons above,
28 who were required to sign the document. /S/ Jennifer L. Fiore

ORDER

Pursuant to Stipulation and good cause appearing, it is hereby ordered that the following pretrial and trial dates are continued as follows:

Non-expert discovery cutoff	February 28, 2006
Last Day for filing dispositive motions	March 3, 2006
Expert disclosure & reports	Non-medical: March 17, 2006 Medical: March 31, 2006
Expert discovery cutoff	April 14, 2006
Settlement Conference:	Private Mediation or settlement conference before Chief Magistrate Judge Larson to be completed March 7, 2006
Pretrial Conference	April 25, 2006 at 3:00 p.m.
Trial Date	May 15, 2006

Dated: October 11, 2005



THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE